CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
May 21, 2018

Planning Commission
Commissioners
Sara Vasquez, Chair
Wally Wolff, Vice-Chair
George K. Farra
Shauna Pierce
Paula Watson-Gardner

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES

Chairperson Vasquez called the meeting to order at 7:04 p.m.

The following were in attendance:

PRESENT:	Vasquez, Wolff, Farra, Pierce,
ABSENT:	Watson-Gardner
STAFF:	Hensley, Golding, Baldwin, Eoff IV, Hernandez, Katigbak, Serna
DEPUTY CITY ATTORNEY:	None

2. PLEDGE OF ALLEGIANCE

Farra led the Pledge of Allegiance.

3. APPROVAL OF MINUTES: April 16, 2018

Pierce moved to approve the minutes of April 16, 2018. Seconded by Wolff. Motion approved 4-0-0-1. (Absent: Watson-Gardner)

4. ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA

Chair Vasquez opened Oral Communications for items not on the Agenda. Seeing none, Chair Vasquez closed Oral Communications.

5. PUBLIC HEARINGS

A. Conditional Use Permit 17-04; Site Plan and Design Review 17-30 (Continued from April 16, 2018): Operation and Construction of a New Meditation Temple (Place of Religious Assembly) at 2632 Royal Oaks Drive; and Municipal Code Amendment 18-01: A city-initiated request to amend section 19.60.140(C)(1) "Parcel size and location" to address parcel size standards for properties on which places of religious assembly were legally established.

Staff Report, CUP 17-04; ARB 17-30; MCA 18-01

Associate Planner Eoff IV presented the staff report and provided a power point presentation for the municipal code amendment and conditional use permit and site plan and design review for the Kwan Yin Meditation Temple.

Eoff IV concluded his presentation and introduced Nick Wang, Project Manager of the meditation temple.

Chairperson Vasquez opened Commissioners inquiries.

Farra inquired about the public hearing notices and if any feedback was received. Eoff IV explained the required notification process; and that there were no comments to report.

Chair Vasquez opened Public Hearing.

Mr. Wang requested approval of his project, with no additional comments.

Steve Hernandez commented on the code amendment and the positive impact of the project.

Chair Vasquez closed Public Hearing and opened Commissioner's discussion.

There was no discussion from the Commission. Chair Vasquez called for a motion. Vice-Chair Wolff motioned to approve CUP 17-04, Site Plan and Design Review 17-30, and MCA 18-01, by adopting PC Resolution 18-06, 18-07, and 18-08. Seconded by Pierce. Motion approved 4-0-0-1. (Absent: Watson-Gardner)

B. Conditional Use Permit 18-02: Operation of an Indoor Play Space within an Existing Commercial Center (Commercial Entertainment and Recreation Use) at 1040 Huntington Drive.

Staff Report and CUP 18-02

Associate Planner Baldwin presented the staff report on CUP 18-02.

Chair Vasquez opened Commissioners' inquiries.

Farra asked for clarification if a child can be left in the business with other relatives or may they be unattended. Baldwin explained that the conditions of approval require the parent/adult to remain with the child at all times.

Vice-Chair Wolff inquired about any special license qualifications the applicant must have to ensure the safety of children. Baldwin stated that since the business is not a daycare, no special State licensing requirements are required.

Vasquez questioned the ability to have parties at the location and if food would be supplied by the business; and if so, would a license be required. Baldwin explained that there is no food provided, however, customers may bring their own food, therefore no license would be required.

Pierce inquired about a special seating section for parents. Baldwin stated that the owner will elaborate more on seating provided for parents.

Farra inquired about heating or refrigerating food on site. Baldwin indicated that there will be no food preparation at the location, however refrigeration, will be available for perishable items.

Applicant, Tzeitel Paras-Caracci, addressed the Commission and provided clarification on her experience with child care; indicated that there would be non-permanent flex sitting for adults; and explained the types of food that may be allowed during regular play and during special events.

Chair Vasquez opened Public Hearing.

Steve Hernandez addressed the commission to elaborate on the proposed project.

Chair Vasquez closed Public Hearing and opened Commissioners discussion.

Pierce asked if a sink will be available for kids to wash their hands. Baldwin explained that the restroom will be equipped with a sink.

Chair Vasquez called for a motion to approve PC Resolution 18-14 and CUP 18-02. Farra moved for approval. Seconded by Wolff. Motion approved 4-0-0-1. (Absent: Watson-Gardner)

C. Conditional Use Permit 14-02; Site Plan and Design Review 14-34: A request to operate and construct a new wireless communication facility for Verizon Wireless in the Royal Oaks Park Extension located at 2701 Royal Oaks Drive.

Staff Report, CUP 14-02; ARB 14-34

Associate Planner Eoff IV presented the staff report, answered questions from the Commissioners and introduced representatives of the project.

Hensley provided information on the tentative lease term between the City Council and Verizon.

There were inquiries, requests and comments from the Commissioners about: timeframe of the lease, tower location options, lease benefits to the City, use of parks for commercial purposes, tower equipment sizing, cell providers within the City, poor cell coverage around project vicinity, communication coverage gaps, Public Services Committee input, safety concerns, tower's impact on views at the intersection, and future removal of tower. Hensley and Eoff responded: the Council has tentatively negotiated a lease with Verizon (term, price, etc.) and they are aware of the type of facility and location being proposed; the rationale behind placing the facility away from homes; the facility design as an art/focal element; the City's ability as landlord to consider leases in parks; the City's history of leasing space in parks for cellular facilities in exchange for compensation and park improvements; Verizon being the only major carrier without a macro facility in the area, Verizon's demonstration of a lack of coverage in the area; the increased height of poles near the basketball courts if Verizon collocated there; the lack of other suitable locations (zones) available in the vicinity; and conditions that address removal and maintenance. Hensley and Golding reiterated the role of the Commission is to review the design and use; the Council's role is to negotiate the lease terms.

Verizon Representative Lisa Lesmond provided a brief overview of the proposed facility. She also shared Verizon's cellular propagation map with the Commission, which showed both the lack of coverage and capacity in this neighborhood.

William Lesmond, Architect and Verizon Representative, provided additional information on the preventive measures taken to address vandalism, transient trespassing, safety, and objects entering the enclosure. He also reiterated Verizon's need for a tower location in this area of the City and how the City Council's recommendation was taken into consideration.

Chair Vasquez opened Public Comments.

Maria Sapriza Ryan, Resident of 632 Royal View Drive, addressed the Commissioners to express her concerns and opposition to the project.

Steve Hernandez, addressed the Commission and expressed his support for the project, agreeing with the design, location and the need for a better cell service coverage in the City.

Chair Vasquez closed Public Comments and opened Commissioner's comments.

Farra has reservations with public land being used for commercial purposes and suggested the Public Services Commission validate the need for a Verizon tower.

Chair Vasquez and Vice-Chair Wolff questioned who was notified and opined on ideas to improve the notification process for better resident turn out.

Hensley and Eoff responded on the notification provided – both in the newspaper and 260 notices mailed to owners within 600' of the property.

Pierce noted the applicant's due diligence in selecting a location that is less used than other portions of the park and designing a cellular facility that looks like it fits into Duarte.

Chair Vasquez inquired about a third-party study on proposed location of the tower and stated her concern about the visibility of the tower in the park. Mr. Lesmond explained Verizon's study process and the propagation map review process. He continued to discuss views, saying that several sides of the tower are concealed by the trees and thinks the City Council was correct in pushing the facility back to the new location. Hensley mentioned that the City initially declined to have another cellular facility in the park, but reconsidered when Verizon explained they do not have a facility in this area and that other suitable locations are not available within the vicinity. Hensley continued by saying that the facility was designed to be a piece of public art since it will be visible from the street and that many concepts were explored before the City felt comfortable in moving this project through the consideration process.

Vice-Chair Wolff mentioned his confidence in Staff and said that as long as the City has considered the effects of commercializing park space, then he is in support of the project.

Chair Vasquez called for a motion on the item. Pierce motioned to approve CUP 14-02; Site Plan and Design Review 14-34 by adopting PC Resolutions 18-09 and 18-10. Wolff second the motion. Chair Vasquez called for a roll call, Yes: Pierce, Wolff; No: Farra, Vasquez; Abstain: None; Absent: Watson-Gardner; 2-2-0-1 voting. The motion failed.

Farra moved to continue the item until all questions raised by Commissioners are answered, the Public Services Commission determines the tower is needed and beneficial to the public, the lease is negotiated in a transparent manner, and a more comprehensive public notification is performed. Seconded by Wolff. Hensley recommended to deny the project. Farra moved to withdraw his motion. Chair Vasquez, stated the denial of the project stands.

6. ITEMS FROM DIRECTOR

No items from the Director.

7. ITEMS FROM COMMISSIONERS

Commissioner Pierce announced her departure from the commission, she thanked Commissioners and Staff.

8. ADJOURNMENT: Monday, June 18, 2018

Chairperson Vasquez adjourned the meeting at 9:20 p.m. The next meeting is scheduled for June 18, 2018.

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Craig Hensley, Secretary